

Michigan Judges Association

Founded 1927

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To: Members of the Senate Judiciary Committee

From: Hon. Annette J. Berry, President
Michigan Judges Association

RE: SB 320

On behalf of the Michigan Judges Association, we appreciate the opportunity Chairman Jones has provided us to work on Senate Bill 320. However, there are still several unresolved issues with the legislation that raise serious questions when assessing how best to protect a child.

The current process of allowing a verbal authorization from the court, followed by a written order as soon as practicable, prioritizes the child's safety. SB 320 seeks to modify this process and raises the following concerns:

If alternatives to this verbal authorization process are to be considered, the child's safety must still be of the utmost priority. In emergency situations involving placement of a child in temporary protective care or the removal of a child from a dangerous situation, expediency for the child's protection and well being need to be taken into account.

Whether the alternative is for a DHS worker to (1) receive a written order and wait to either remove the child or wait with the child before removal or (2) if the DHS worker prepares a petition and affidavit for the court to consider and waits to remove the child or waits with the child, both scenarios create an inevitable delay in placement of the child. And thus, any delays could potentially lead to further risks of child endangerment.

We hope that you will keep these concerns in mind as you deliberate on SB 320 (S-1). Thank you for your consideration.

cc: Hon. Timothy G. Hicks, President-Elect, Michigan Judges Association
Hon. James M. Alexander, Legislative Committee Co-Chair,
Michigan Judges Association
Hon. Tracey A. Yokich, Legislative Committee Co-Chair,
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Hon. Joan E. Young, Committee Chair, Family, Michigan Judges Association